

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD CHAMBERS,

Defendant-Appellant.

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UNPUBLISHED

July 1, 2003

No. 238204

Wayne Circuit Court

LC No. 01-001366-03

Before: Griffin, P.J., and Murphy and Jansen, JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of carrying a concealed weapon (CCW), MCL 750.227, and sentenced to three years' probation and nine months on tether. We affirm.

On appeal, defendant contends that there was insufficient evidence to support his CCW conviction. We disagree.

When reviewing a claim of insufficient evidence, following a bench trial, this Court reviews the record de novo and considers the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Hunter*, 209 Mich App 280, 282; 530 NW2d 174 (1995).

To convict a defendant of CCW, the prosecution must prove that (1) defendant carried a weapon, and (2) the weapon was concealed. *People v Jackson*, 43 Mich App 569, 571; 204 NW2d 367 (1972). The offense of CCW is a general intent crime. *People v Quinn*, 440 Mich 178, 189; 487 NW2d 194 (1992); *People v Combs*, 160 Mich App 666, 673; 408 NW2d 420 (1987). The only intent necessary is an intent to knowingly carry the weapon on one's person or in an automobile. *Quinn, supra*; *Combs, supra*. A weapon is not, however, required to be absolutely hidden to be "concealed," but rather, merely not readily observable by persons in the ordinary and usual associations of life. *Jackson, supra*, 43 Mich App 571. The question of concealment turns on the facts of each particular case, and is, therefore, ordinarily to be decided by the trier of fact. *Id.*

Upon a de novo review of the record, we find sufficient evidence, when viewed in a light most favorable to the prosecution, to support defendant's CCW conviction. Officer Crockett

testified that he ran to the east side of the residence to secure the outside of the house during the raid. As Officer Crockett ran to his position, he observed defendant kick out the window of the northeast bedroom with his right foot. Defendant attempted to exit the premises by ducking his head and right arm through the window, thus, coming to a “sitting” position on the windowsill. Officer Crockett saw defendant take a handgun from his waistband, which fell to the snow covered ground. The handgun, a stainless steel Phoenix Arms .22 caliber with a magazine of eight live rounds, was visible in the snow and recovered. The question of concealment was one of fact, and Officer Crockett’s testimony, when viewed in a light most favorable to the prosecution, was sufficient to affirm defendant’s conviction. *Jackson, supra*.

Affirmed.

/s/ Richard Allen Griffin  
/s/ William B. Murphy  
/s/ Kathleen Jansen